

REMARKS

In accordance with the examiner's requirements, a set of formal drawings is attached hereto for approval.

Claims 2, 3, 4, 12, 13 and 14 have been amended. These amendments are intended to provide clarification of language and proper antecedents, and are not intended to change the scope of the claims. Indeed, the terms "guided tree handler" and "guided table handler" are synonymous as indicated in the specification on page 5, lines 1 and 2. Thus, the rejection under the second paragraph of 35 U.S.C. § 112 has been obviated.

Claims 1, 3-11 and 13 -20 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Disney et al, US Patent 6,289,388, hereinafter Disney et al, in view of Adiletta et al, US Patent 6,606,704, hereinafter Adiletta et al, and Baxter, US Patent 5,177,697, hereinafter Baxter. This rejection is not thought to be well taken.

First, it should be pointed out that only Disney et al deal with network processors, and then mainly to the extent of tying two processors together. As pointed out by the examiner, Disney et al do not show at least three pico processors, one of which is a guided cell handler, one of which is a guided tree (table) handler, and the rest of which are general data handlers. Indeed, Disney et al do not show or refer to any guided cell handlers or guided tree handlers at all. And certainly there is no division of labor as claimed in claims 1 and 11 of the present application. The examiner indicates that the (CMU) (18b) of Disney et al is a control point. However, even with this interpretation, there is no disclosure of the various connections claimed in claims 1 and 11. For example, there is no teaching of a control information path between each control point unit and the guided cell handler, and no teaching of a path between the guided cell handler of each

network processor, and a data path between each control point and the general data handler, and between the general data handler on each processor. This allows control information to be transferred and controlled independently of the data. These connections, and hence this result, are not taught nor suggested by Disney et al.

The combination of Adiletta et al with Disney et al is nowhere suggested; but even if made, this does not overcome the deficiencies of Disney et al. First, it should be noted that Adiletta et al deal with multiple thread processors, and there is no suggestion that the teachings therein could be applied to network processors.

It is not enough that one may modify a reference in view of a second reference, but rather it is required that the second reference suggest modification of the first reference and not merely provide the capability of modifying the first reference.

The CAFC stated In re Piasecki, 745 F.2d 1468, 223 USPQ 785, 788 (Fed. Cir. 1984) the following:

“The Supreme Court in Graham v. John Deere Co., 383 U.S. 1 (1966), focused on the procedural and evidentiary processes in reaching a conclusion under Section 103. As adapted to ex parte procedure, Graham is interpreted as continuing to place the “burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103”. Citing In re Warner, 379 F.2d 1011, 1020, 154 USPQ 173, 177 (CCPA 1967).”

The law is quite clear that in order for a claimed invention to be rejected on obviousness, the prior art must suggest the modifications sought to be patented; In re Gordon, 221 U.S.P.Q. 1125, 1127 (CAFC 1984); ACS Hospital System, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (CAFC 1984). The foregoing principle of law has been followed in Aqua-Aerobic Systems, Inc. v. Richards of Rockford, Inc., 1 U.S.P.Q. 2d, 1945 (D.C. Illinois 1986). In the Aqua-Aerobic's case, the Court stated that the fact that a prior

reference can be modified to show the claimed invention does not make the modification obvious unless the prior reference suggests the desirability of the modification. The CAFC in the case of In re Gorman, 18 U.S.P.Q. 2d (CAFC 1991) held at page 1888:

"When it is necessary to select elements of various teachings in order to form the claimed invention, we ascertain whether there is any suggestion or motivation in the prior art to make the selection made by the applicant [citation]. 'Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination [citations]. . . .

The references themselves must provide some teaching whereby the applicant's combination would have been obvious."

Further, the CAFC, in In re Oetiker, 24 U.S.P.Q. 2nd 1443, 1445 (CAFC 1992) held:

There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself.

Most significantly, the CAFC in the recent case of In re Dembiczak, 50

U.S.P.Q.2nd 1614 (CAFC 1999) held at 1617:

...(examiner can satisfy burden of obviousness in light of combination 'only by showing some objective teaching [leading to the combination]');

Thus, it is clear that where an individual reference does not teach the entire invention, then the modification which the invention represents must be suggested and motivated by some other reference through some objective teaching and cannot come from the application itself, which is not the case here.

However, even if one were to somehow combine the teaching of Adiletia et al with Disney et al, this would not suggest applicants' invention as claimed in claims 1 and 11. The examiner has indicated that central controller (20) and SRAM controller (26b) and microengines (22a-22f) represent the guided cell handler, guided table handler and general

data handlers of the present invention. However, there is nothing in either Adiletta et al or Disney et al that would suggest that these items are, or could be used, for the purpose stated in the office action. Hence, there could be no suggestion of the particular connections claimed in claims 1 and 11. Thus, there is no teaching or suggestion of such a combination and the rejection must fail. The fact that Baxter shows pico processors in no way establishes that they could be used as claimed in the instant application. Therefore, it is submitted that no reasonable combination of Disney et al, Adiletta et al and Baxter teaches or suggests the invention as defined in claims 1 and 11.

Claims 3 and 13 are dependent upon claims 1 and 11, respectively, and, for the same reasons, are believed to be allowable. Additionally, claims 3 and 13 require a specific path between the guided cell handler and the general data handler. Since none of the references teach separate guided cell handlers and general data handlers, this path cannot be taught and, for this additional reason, claims 3 and 13 are believed to be allowable.

With respect to claims 4 and 14, which are dependent upon claims 1 and 11, respectively, the same reasoning as applied to claims 3 and 13 applies.

With respect to claims 5 and 15, these claims also are dependent upon claims 1 and 11 and, for the same reasons, are believed to be allowable. Moreover, claims 5 and 15 require that the guided cell handler can function as a general data handler. While Adiletta et al do disclose that the central controller can provide additional support for the microengines, there is nothing to suggest that a guided cell handler can function as a general data handler.

Claims 6-8 and 16-18 are dependent upon claims 1 and 11 (directly or indirectly), respectively, and, for the same reasons, are believed to be allowable. Moreover, claims 8 and 18 require that the communication be through the guided cell handler. Since none of the references teach guided cell handlers, for this additional reason claims 8 and 18 are allowable.

Claims 9 and 10 and 19 and 20 are dependent upon claims 1 and 11, respectively, and are allowable for the same reasons.

Claims 2 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Disney et al, in view of Adiletta et al and Baxter, and further in view of Boucher et al, US Patent 6,226,680, hereinafter Boucher et al. This rejection is not thought to be well taken. First, the deficiencies of Disney et al, Adiletta et al and Baxter have been pointed out, and Boucher et al does not overcome these deficiencies. Thus, there is nothing to suggest a certain path on which these functions can be carried. Thus, claims 2 and 12 are clearly allowable.

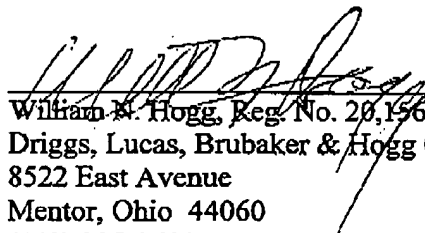
In view of the above, it is believed that each of the claims in the application is distinguishable one from the other and over the prior art.

Therefore, reconsideration and allowance of the claims in the application is respectfully requested.

Respectfully submitted,

Date

1-22-04


William M. Hogg, Reg. No. 28,196
Driggs, Lucas, Brubaker & Hogg Co., L.P.A.
8522 East Avenue
Mentor, Ohio 44060
(440) 205-3600
Fax: 440 305 3601
e-mail: bill@driggslaw.com

WNH:cg

Enclosures – 15 sheets of formal drawings